

**FILED**

SEP - 6 2005

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

**RECEIVED**

SEP - 2 2005

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

\$185,830.08 IN NET PROCEEDS FROM  
THE SALE OF APARTMENT NUMBER D-  
3 OF THE PROJECT KNOWN AS  
"PANILOLO HALE", SITUATED AT  
KALUAKOI, ISLAND OF MOLOKAI,  
COUNTY OF MAUI, STATE OF HAWAII,

Defendant.

No. CV-04-3912 CW

**STIPULATED REQUEST TO  
CONTINUE CASE MANAGEMENT  
CONFERENCE; ~~PROPOSED ORDER~~**

Current Date: Friday, September 9, 1:30

Requested Date: Friday, January 13, 1:30

The above-captioned civil forfeiture action relates to \$185,830.08 from the sale of a building that had been owned by Sharon Caulder. Ms. Caulder is a claimant in this forfeiture action. John T. Kendall, the Chapter 7 Trustee of the bankruptcy estate, is also a claimant. Ms. Caulder is also the defendant in CR-04-40016 CW, a criminal case scheduled to begin trial on November 14, 2005. The allegations in this civil forfeiture case and the allegations in the criminal trial overlap, because both cases are based on alleged misrepresentations to the bankruptcy court in 1999.

This forfeiture action has been stayed, and set for a CMC on Friday, September 9 at 1:30. The September 9 date was originally requested because the criminal trial was originally

1 scheduled to begin in May, 2005. The criminal trial has since been continued to November 14,  
 2 2005. The parties therefore stipulate and request that the CMC in this forfeiture action be  
 3 continued to Friday, January 13, 2006 at 1:30. The criminal trial is scheduled to take three  
 4 weeks, and should end just before the December holidays, thus necessitating a continuance until  
 5 January so that all parties can be available.

6 Rebecca Sullivan Silbert, Assistant Federal Public Defender, is Ms. Caulder's attorney in  
 7 the criminal case, but is not counsel of record in the civil forfeiture action. Ms. Caulder is pro se  
 8 in the forfeiture action. However, Ms. Caulder lives in New Orleans, which was hit by Hurricane  
 9 Katrina on August 28 and 29, 2005. Ms. Caulder does not have power, cannot receive faxes or  
 10 mail, and cannot leave the area. She is sporadically reachable by phone, however, and by signing  
 11 below, Ms. Silbert confirms that she spoke with Ms. Caulder and that Ms. Caulder requested that  
 12 Ms. Silbert sign on her behalf.

13  
 14 8/30/05  
 Date

*Not for Sharon Caulder*  
 Sharon Caulder  
 By Rebecca Sullivan Silbert

15  
 16  
 17 Date

Stephanie M. Hinds  
 Assistant United States Attorney  
 Asset Forfeiture Chief

18  
 19  
 20 Date

Eric A. Nyberg  
 Counsel for John T. Kendall, Chapter 7  
 Trustee

21  
 22 It is HEREBY ORDERED that the CMC in the above-captioned civil forfeiture action be  
 23 continued to Friday, January 13, at 1:30 p.m.  
 24

25 Date

Honorable Claudia Wilken  
 Judge, United States District Court  
 Northern District of California

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13  
 14 8/29/05  
 Date

My att. for Sharon Caulder  
 Sharon Caulder  
 By Rebecca Sullivan Silbert

16  
 17 8/31/05  
 Date

[Signature]  
 Stephanie M. Hinds  
 Assistant United States Attorney  
 Asset Forfeiture Chief

19  
 20 Date

[Signature]  
 Eric A. Nyberg  
 Counsel for John T. Kendall, Chapter 7  
 Trustee

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[Signature]  
 Honorable Claudia Wilken  
 Judge, United States District Court  
 Northern District of California

26  
 Stip. Request to continue CMC; 04-3912 CW

2

TOTAL P.03

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Date

Sharon Caulder  
Sharon Caulder  
By Rebecca Sullivan Silbert

15  
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17 Date

Stephanie M. Hinds  
Assistant United States Attorney  
Asset Forfeiture Chief

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19 8/31/05  
Date

Eric A. Nyberg  
Eric A. Nyberg  
Counsel for John T. Kendall, Chapter 7  
Trustee

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Claudia Wilken  
Honorable Claudia Wilken  
Judge, United States District Court  
Northern District of California

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Stip. Request to continue CMC; 04-3912 CW

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